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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/740,730	12/18/2000	Kayshav Dattatri	020581000130	4186

20350 7590 03/16/2004

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EXAMINER

KENNEDY, LESA M

ART UNIT	PAPER NUMBER
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2151

DATE MAILED: 03/16/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/740,730

Applicant(s)

DATTATRI, KAYSHAV

Examiner

Lesa Kennedy

Art Unit

2151

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 December 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-30 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

II. DETAILED ACTION

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-15, drawn to a system for tracking and guaranteeing delivery of messages, classified in class 709, subclass 206 – Demand Based Messaging.
- II. Claims 16-22, drawn to an EDI system for transferring an invoice to a trading partner, classified in class 705, subclass 26 – Electronic Shopping/Remote Ordering.
- III. Claims 23-30, drawn to an electronic billing system, classified in class 705, subclass 34 – Accounting/Bill Preparation.

Inventions I and II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention I has separate utility such as because it is directed to generic messaging and can be used in systems where information, particularly an invoice, is not exchanged between trading partners. See MPEP § 806.05(d).

Inventions I and III are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are

1 shown to be separately usable. In the instant case, invention I has separate utility such
2 as because it is directed to generic messaging and can be used in systems trading
3 partners are not billed for the messages sent between them. See MPEP § 806.05(d).

4 Inventions II and III are related as subcombinations disclosed as usable together
5 in a single combination. The subcombinations are distinct from each other if they are
6 shown to be separately usable. In the instant case, invention II has separate utility such
7 as because it can be used without the particular details of the billing database system of
8 Invention III. See MPEP § 806.05(d).

9 Because these inventions are distinct for the reasons given above and have
10 acquired a separate status in the art as shown by their different classification, restriction
11 for examination purposes as indicated is proper.

12 Applicant is advised that the reply to this requirement to be complete **must**
13 **include an election** of the invention to be examined even though the requirement be
14 traversed (37 CFR 1.143).

15
16 ***Conclusion***

17 A shortened statutory period for response to this action is set to expire **three**
18 **months** from the mail date of this letter. Failure to respond within the period for
19 response will result in **ABANDONMENT** of the application (see 35 U.S.C. 133, M.P.E.P.
20 710.02, 710.02(b)).

21
22 Any inquiry concerning this communication or earlier communications from the
23 examiner should be directed to Lesa Kennedy, whose telephone number is (703) 305-
24 8865. The examiner can normally be reached on M-F from 9:00 a.m. to 5:30 p.m. EST.

25
26 If attempts to reach the examiner by phone fail, the examiner's supervisor,
27 Glenton Burgess, can be reached at (703) 305-4792. Additionally, the fax numbers for
28 Group 2100 are as follows:

Art Unit: 2151

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Fax Responses: (703) 872-9306

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist at (703) 305-9600.

Lesa Kennedy
703-306-3036
March 11, 2004


Andrew Caldwell